

APPENDIX C – SECTION 106 CONSULTATION

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United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Vernal Field Office
170 South 500 East
Vernal, Utah 84078
(435) 781-4400 Fax: (435) 781-4410
<http://www.ut.blm.gov/utah/vernal>

IN REPLY REFER TO:

1792
UT-080

August 1, 2003

Dear Sir/Madam:

RE: Initiation of Consultation

Enclosed is a copy of the Draft Environmental Impact Statement entitled: *Resource Development Group – Uinta Basin Natural Gas Project* (Document No. UT-080-2003-0300V). This document analyzes proposed natural gas development on 79,900 acres (88% on BLM-administered public lands) in the Atchees Wash oil and gas production region, approximately 50 miles south of Vernal, Uintah County, in northeastern Utah.

We recognize that decisions involving BLM-administered public lands near reservations and in areas traditionally occupied or used by Tribes may have ramifications for future use of these lands by Tribes and Tribal members. Additionally, BLM decisions may have some potential to affect Tribal lands and lands held in trust for Tribal members. As such Tribal governments and members are encouraged and invited to consult with BLM on this project and to provide BLM with comments on this document. We request that comments be provided to this office by close of business September 22, 2003.

BLM has scheduled two public meetings to afford the public an opportunity to raise questions and obtain additional information relative to this project: August 28 in Vernal and September 4 in Salt Lake City. Should you require additional information to aid in your review of this document, please let us know.

If you have specific comments relating to this EIS, please feel free to call or contact the following:

Jean Nitschke-Sinclear
Bureau of Land Management
170 South, 500 East
Vernal, UT 84078

jean_nitschke-sinclear@blm.gov
PHONE: 435-781-4437
FAX: 435-781-4410

This letter is also a request to determine whether your Tribe wishes to be consulted on future projects involving BLM-administered lands in the Uintah Basin. We will endeavor to inform and involve your Tribal representative on any such future consultations. Thank you for your interest in public land management.

Sincerely,

William Stringer
Acting Vernal Field Manager

Enclosure

Cc: State Director (U930)

Central Files, Reading

RDG – Adm Record

JNIt-Sin:jns:7/31/03\NEPA.RDG.Consult.Tribes

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NAGPRA COORDINATOR
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TERRY KNIGHT
TRIBAL CULTURAL REPRESENTATIVE
UTE MOUNTAIN TRIBE
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TOWAOC CO 83334

ALLAN DOWNER, DIRECTOR
HISTORIC PRESERVATION DEPARTMENT
NAVAJO NATION
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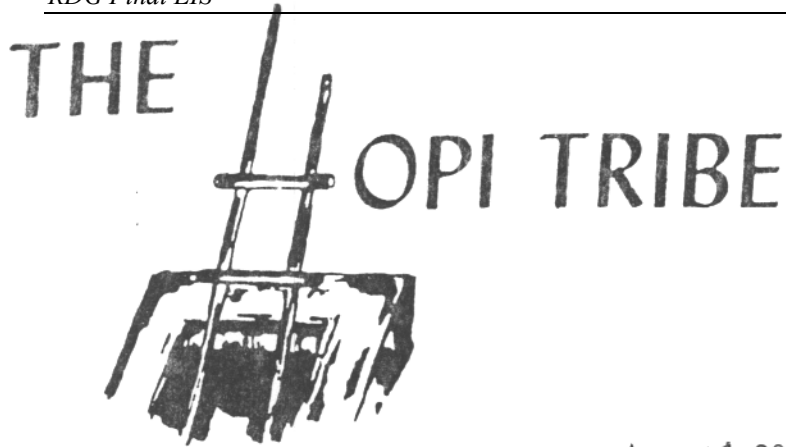
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FORT HALL BUSINESS COUNCIL
SHOSHONE-BANNOCK TRIBES
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FORT HALL ID 83202-0306

**Wayne Taylor, Jr.**

CHAIRMAN

Caleb Johnson

VICE-CHAIRMAN

August 4, 2003

The Honorable John McCain
United States Senate
241 Russell Senate Office Building
Washington, D.C. 20510-0303

Dear Senator McCain,

Thank you for your letter dated July 21, 2003, in response to your inquiry on our behalf regarding the enclosed BLM, reburial policy, Instruction Memoranda 98-131-2, and resulting from my May 14, 2003, letter to Bureau of Land Management (BLM) Director Kathleen Clarke.

As you know, in my April 3, 2003, and May 14, 2003, letters to Director Clarke, the Hopi Tribe specifically requested that she revoke or revise Instruction Memoranda 98-131-2 to allow for the reburial of our ancestors on certain appropriate BLM lands. We specifically object to the reburial policy that states

The BLM's managers shall not directly or indirectly authorize or permit the reburial of repatriated, removed, or transferred human remains and/or other NAGPRA materials, on public lands.

The letter from the BLM to you dated July 2, 2003, in response to your June 3, 2003 inquiry, and their letter dated June 27, 2003, to me letter refer to an enclosed June 18, 2003, Memorandum responding to the Colorado State Director's February 13, 2002, request for an exemption from this policy. The State Director, whose Office referred us to the Anasazi Heritage Center for a copy of this Memorandum, which states that the BLM is

willing to consider your request for an exemption at the appropriate stage in the disposition process should legally determined affiliated tribes present a proposal which warrants an exception.

National Park Service and U.S. Forest Service managers directly authorize and permit the reburial of repatriated human remains and/or other Native American Graves Protection and Repatriation Act (NAGPRA) materials on public lands. In fact, the BLM is the only federal agency that prohibits reburial on its public lands of Native American human remains subject to NAGPRA excavated from its lands in the past and in the future.

Senator John McCain
August 4, 2003
Page 2

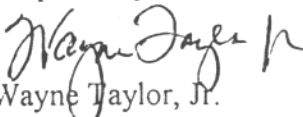
After centuries of migrations, our ancestors, *Motesinom*, First People, and *Hisatsinom*, People of Long Ago, left their ancient villages to complete their migrations by arriving at *Tuurwanasavi*, the Center of the Universe, in fulfillment of a covenant with *Ma'saw*, the Earth Guardian. But we do not consider our ancestral sites to be "abandoned." Hopi people consider our ancestral sites and the human remains and artifacts of our ancestors in them to be "footprints," or proof of the fulfillment of the covenant. Therefore, it is culturally important to us ancestors be reburied at, or as close as possible to, the places from which they were excavated.

Is the Hopi Tribe expected by the BLM to propose an exception to their policy, subsequent to repatriation, for every BLM Notice listing human remains culturally affiliated to the Hopi Tribe? Because of the BLM reburial policy, the Hopi Tribe is currently unable to repatriate for respectful disposition human remains culturally affiliated to the Hopi Tribe as published in BLM New Mexico and Arizona State Office *Federal Register* Notices. Numerous other such Notices are expected from other BLM Offices. Based on BLM IM-98-131-2, and BLM's June 18, 2003, Memorandum and June 27, 2003 letter, what assurance do we have such a request would be honored?

Therefore, the Hopi Tribe continues to oppose BLM IM-98-131-2, and we find their response to be inadequate in addressing our concerns. We sincerely appreciate your continuing efforts to be of assistance in this matter.

Should you or your staff have any questions or need additional information, please contact Leigh J. Kuwanwisiwma, Director of the Hopi Cultural Preservation Office or me. Thank you again for your consideration.

Respectfully,



Wayne Taylor, Jr.
Chairman
HOPI TRIBE

Enclosures: June 27, 2003, letter from BLM; June 18, 2003, BLM Memorandum; BLM IM 98-131-2

xc: Secretary of the Interior, Gale Norton, w/ encl.
BLM Director, Kathleen Clarke, w/o encl.
BLM State Directors, AZ, NM, CO, UT, w/o encl.
All Pueblo Indian Council, w/ encl.
President Shirley, Dr. Alan Downer, Navajo Nation, w/ encl.

THE HOPI TRIBE



AUG 25 2003

BLM VERNAL UTAH

Wayne Taylor, Jr.
CHAIRMAN

VICE-CHAIRMAN

August 10, 2003

William Stringer, Acting Field Manager
Attention: Jean Nitschke-Sinclair
Bureau of Land Management, Vernal Field Office
170 South 500 East
Vernal, Utah 84078-2799

Dear Acting Field Manager Stringer,

This letter is in response to your correspondence dated August 1, 2003, regarding the enclosed Draft Environmental Impact Statement No: UT-080-2003-0300V, Resource Development Group - Unita Basin Natural Gas Project, which proposes natural gas development on 79,900 acres in the Atchees Wash oil and gas production region approximately 50 miles south of Vernal. As you know, the Hopi Tribe claims cultural affiliation to prehistoric cultural groups in Utah, including the Fremont cultural group, and therefore we appreciate the Vernal Field Office's continuing solicitation of our input and your efforts to address our concerns.

As you also know, the Hopi Tribe supports the identification and avoidance of prehistoric archaeological sites, and we oppose BLM Instruction Memoranda 98-131-2, which prohibit reburial of Native American human remains excavated from BLM land and subject to the Native American Graves Protection and Repatriation Act on BLM land. Therefore, we oppose all ground disturbing activities on BLM land with the potential to disturb the remains of our ancestors. Enclosed is our most recent letter to Senator McCain on this BLM policy.

We note the Comparison of Alternatives: Alternatives 1 and 2, 423 proposed new wells; Alternative 3, 373 proposed new wells; and Alternative 4, 55 proposed new wells. We note 34 known sites within the project area, including 8 National Register eligible prehistoric sites, and potential impacts to 50 to 216 sites that could exist within the project area. We also note that up to 19 raptor nests could be affected, and "wilderness characteristics would be lost within the White River Inventory Unit and the UWC proposed wilderness units that the BLM has determined likely to have wilderness characteristics." And therefore, we support Alternative 4 - No Action in the Draft Environmental Impact Statement No: UT-080-2003-0300V.

And therefore, we request that we be consulted on future projects involving BLM lands in the Unita Basin. Should you have any questions or need additional information, please contact Clay Hamilton or Terry Morgart at the Hopi Cultural Preservation Office. Thank you for your consideration.

Respectfully,

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

Enclosure: August 4, 2003, letter to Senator McCain

xc: Southern Utah Wilderness Alliance, w/ encl.

Utah State Historic Preservation Office, w/o encl.

Sally Wisely, Garth Portillo, BLM Utah State Office, w/o encl.

Clay Hamilton, Hopi Cultural Preservation Office, w/o encl.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Vernal Field Office
170 South 500 East
Vernal, UT 84078
(435) 781-4400 Fax: (435) 781-4410



IN REPLY REFER TO:
8141
UT082

March 31, 2005

CERTIFIED MAIL # 7004 2510 0005 2360 6117
RETURN RECEIPT REQUESTED

Gwen Davis, Chair
Northwestern Band of Shoshone Nation
862 South Main, Suite 6
Brigham City, UT 84302

Dear Ms. Davis,

RE: Initiation of Consultation – RDG Draft EIS

The purpose of this letter is to initiate consultation on this office's draft environmental impact statement (DEIS) associated with the Resources Development Group's natural gas field development plan. The project area for the plan involves 79,900 acres in the Atchees Wash oil and gas production region, about 50 miles south of Vernal, Uintah County, Utah. The proposed project area is located primarily on BLM-administered lands (70,300 acres) and includes 8,410 acres of State-administered lands, and 1,190 acres of private lands. A CD containing a copy of the DEIS is enclosed for your use and information.

The proponents anticipate drilling up to 423 natural gas wells over the next 20 years. The wells would be drilled at a rate of 15-40 wells a year, until the resource is fully developed. The wells would be drilled on a spacing pattern based on geology and reservoir qualities. Some areas within the project area could be developed on a 40-acre pattern, while others could be drilled on patterns of 150 acres or larger.

BLM is interested in seeking your comments on the adequacy and accuracy for the four alternatives analyzed in this document. We request that we receive your comments on this document by May 6, 2005.

In accordance with the National Environmental Policy Act, the National Historic Preservation Act of 1966, as amended; the Native American Graves Protection and Repatriation Act; the American Indian Religious Freedoms Act; the Archaeological Resources Protection Act; Executive Order 13007; and, the Federal Land Policy and Management Act, this office respectfully inquires as to whether there are any comments

or special concerns the Tribe may have about the protection of properties or places of traditional cultural or religious importance as covered in the DEIS project area. Please advise us if there are any individuals, including traditional cultural or religious practitioners who should be contacted.

We look forward to coordinating with you to assure your concerns about places of traditional cultural or religious importance are identified, considered, and protected as they relate to this proposed project.

Should you have any questions or need additional information, please contact Jean Nitschke-Sinclear at 435-781-4437 or Blaine Phillips, Field Office Archaeologist at 435-781-4438.

Thank you for your assistance.

Sincerely,

William Stringer
Field Office Manager

cc: State Director, U934

Enclosure: CD, as stated

Selwyn Whiteskunk, Chair
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Confederated Tribes of the Goshute Reservation
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Window Rock, AZ 86515

Gwen Davis, Chair
Northwestern Band of Shoshone Nation
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Brigham City, UT 84302

Ivan Posey, Chair
Eastern Shoshone Business Council
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Ft. Washakie, WY 82514



SOUTHERN UTE INDIAN TRIBE

T R I B A L A F F A I R S B U I L D I N G

April 11, 2005

Jean Nitschke-Sinclear
Bureau of Land Management
Vernal Field Office
170 South 500 East
Vernal, UT 84078

Re: RDG Draft EIS

Dear Ms. Nitschke-Sinclear:

I have reviewed your letter regarding the Draft Environmental impact statement associated with the Resources Development Group's natural gas field development plan, the Southern Ute Indian Tribe does not have any objections at this time. However, we do believe that the Northern Ute Tribe should be the consulting party for this development plan.

Should you have any questions or require additional information, please do not hesitate to contact me at the number listed below, extension 2209.

Sincerely,

Neil B. Cloud

Neil B. Cloud
NAGPRA Coordinator

Cc: Clement J. Frost, Chairman
Southern Ute Indian Tribe

RECEIVED
APR 14 2005
BLM VERNAL, UTAH



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Vernal Field Office
170 South 500 East
Vernal, UT 84078
(435) 781-4400 Fax: (435) 781-4410



IN REPLY REFER TO:
8160
UT082

May 17, 2005

Memorandum

To: Files

From: Blaine Phillips, Field Office Archaeologist

Subject: Native American Consultation for the RDG Uinta Basin Natural Gas Project EIS

The Vernal Field Office sent consultation letters via certified mail to 13 tribes on March 31, 2005, requesting their review and coordination or consultation on any cultural resources or Native American religious concerns. All letters were acknowledged as received.

The following tribes were contacted: Ute Mountain Ute Tribe, Southern Ute Tribal Council, Hopi Tribal Council, the Ute Indian Tribe, Confederated Tribes of the Goshute Reservation, Northwestern Band of Shoshoni Nation, White Mesa Tribe, Navaho Nation, Eastern Shoshone, Laguna Pueblo, Nambe Pueblo, Santa Clara Pueblo, Zia Pueblo.

One tribe, the Southern Ute Tribe responded to the consultation letter on April 11, 2005. In their response, the Southern Ute stated they do not have any objections to the project. It was also stated that the Northern Ute Tribe should be the consulting party on this project. No further contacts have been received at this time.